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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 LIBERTY MEDIA HOLDINGS, LLC } Case No. 09-CV2284-W-POR
13 Plaintiff, }
14 vs. } **MOTION FOR ENTRY OF CLERK'S
15 DAVID TRICE, ERIC BROWN, JOHN DOE 2, and DOES 3-50 }
16 Defendants }
17
18 **DEFAULT AGAINST DEFENDANT ERIC BROWN**
19 Hearing: April 5, 2010
20 No Oral Argument
21**

22 NOW COMES Plaintiff Liberty Media Holdings, LLC (LMH), by its attorney,
23 Robert DePiano, and respectfully requests this Court to enter a default, pursuant to
24 Fed. R. Civ. Proc., Rule 55(b), against Defendant Eric Brown (Brown). In support of
25 its Motion, Plaintiff states as follows:

26 1. LMH is entitled to judgment against Defendants for the claims pleaded
27 in its Complaint for copyright and trademark infringement. See Declaration of
28 Robert DePiano ¶ 5.

1. A copy of the Amended Complaint and Summons was served on
2. Defendant Brown on December 8, 2009. See Court's Docket No. 8.

3. Defendant Brown has failed to appear, answer, or otherwise defend in
4 the time allowed by law and is therefore in default.

4. Default of Defendant Brown was entered on January 8, 2010. See Doc.

11.

5. Defendants are not minors or incompetent persons or in military service or otherwise exempted under the Servicemembers Civil Relief Act (50 App. U.S.C. § 521). See Declaration of Robert DePiano. ¶ 6.

6. Accordingly, LMH respectfully requests that this Court enter a Default Judgment against Defendant Brown, award statutory damages in the amount of \$1,750,000, injunctive relief, and attorney's fees pursuant to 17 U.S.C. § 502(a).

7. This Application is based on this Motion, as well as the Memorandum of Points and Authorities and Declaration of Robert DePiano submitted herewith, and such other evidence as the Court determines appropriate.

Dated: February 3, 2010

Respectfully Submitted,

s/ Robert A. DePiano

Robert A. DePiano
Attorney for Plaintiff,
Liberty Media Holdings, LLC

CERTIFICATE OF SERVICE

The undersigned does certify that on this 4th day February 2010, he did file the foregoing document using the CM/ECF system, and has sent copies of all the documents via U.S. Mail and email to defendants.

s/ Robert A. DePiano

Robert A. DePiano
Attorney for Plaintiff,
Liberty Media Holdings, LLC